

Application No.: 10/667,690
Attorney Docket No.: 14846-15

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet including FIG. 1. In FIG. 1, the identifier "prior art" has been added.

Attachments: Replacement sheet

Annotated Sheet Showing Changes

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REMARKS

Introduction

Claims 1-16 are pending. Claims 1 and 11 are independent. Claim 1 has been amended. This Amendment is being filed together with a petition for extension of time.

Request for Interview

Applicant plans to contact the Examiner to arrange for an interview prior to consideration of this Amendment.

Objections to the Drawings

The drawings have been objected to for not denoting FIG. 1 as "prior art." By this Amendment, FIG. 1 has been amended to include a "prior art" designation. No new matter has been added by way of this formalistic amendment, and withdrawal of the objection to the drawings is requested.

Rejections under 35 U.S.C. § 101

Claims 1-10 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter due to an alleged lack of producing a useful, concrete and tangible result.

Claim 1 has been amended to recite, *inter alia*, a method "for presenting data and functions to a user via a presentation layer." The claimed method includes "defining a data set structure for use in both the business layer and the presentation layer," "populating a business layer data set in said business layer according to said data set structure," and "populating a presentation layer data set in said presentation layer ... said presentation layer data set comprising data and functions available for use by the user in said presentation layer."

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As described in the Specification as filed, "[s]ophisticated data networks collect data, store data, analyze data" and "present data to users, etc., so that a user of this data may make informed decisions." *Specification* at p. 1, lns. 10-11. As also described in the Specification, "[g]enerally, user layer 102 presents data and receives input from users. Business layer 106 collects and stores data and executes transactions requested by the users. Presentation layer 104 receives data and a set of functions that may be performed from business layer 106 and presents such data and functions to user layer 102 in multiple formats, each tailored to the needs of a particular user." *Id.* at p. 1, lns. 18-22.

With respect to the patentability of computer-related methods, as described in the latest revision of the MPEP, "computer programs claimed as computer listings ... are neither computer components nor statutory processes." However, "[a claim is statutory] when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program." *MPEP* 2106.01(I) (8th. Ed. Rev. No. 5).

Thus, applicant asserts that the claimed invention is useful for a particular practical purpose, and thus, has a "specific and substantial utility," and that such assertion would be "considered credible by a person of ordinary skill in the art." See *MPEP* 2107(II)(B)(1) (8th. Ed. Rev. No. 5).

By facilitating a method by which valuable data may be beneficially presented to a user, the final result achieved by the claimed invention of claim 1 is "useful, tangible and concrete." See *MPEP* 2106(IV)(C)(2)(2) (8th. Ed. Rev. No. 5).

Thus applicants submit that amended claim 1 claims patentable subject matter. Accordingly, applicants submit that the rejection of claim 1 under 35 U.S.C. 101 has been obviated, and withdrawal of the rejection is requested.

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Claims 2-10 depend from claim 1, and are directed to statutory subject matter, at least for the reasons stated above with respect to claim 1. Accordingly, applicants submit that the rejections of claims 2-10 under 35 U.S.C. 101 have been obviated, and withdrawal of the rejections is requested.

Rejections under 35 U.S.C. § 102(e)

Claims 1-16 stand rejected under 35 U.S.C. 102(e) as unpatentable over U.S. Patent No. 6,615,258 (Barry).

Barry describes an integrated data management system for providing one or more data management services from an enterprise over the Internet to a customer having a workstation at a customer site. Barry describes, *inter alia*, a user interface executable in a customer workstation located at the customer site for authenticating the customer's access to the integrated data management system; the user interface further presenting one or more data management services; one or more client applications representing the one or more data management services; one or more secure servers located between the customer workstation and the enterprise for providing a secure transportation of data transactions between the user interface and the one or more secure servers; one or more application servers forwarding response transactions back to the one or more client applications for presentation to the customer via the dispatch server and the one or more secure servers.

Thus, Barry describes a prior art system such as that described in the Background section of the Specification of the present application, wherein:

[t]ypically, the communication between user layer 102 and presentation layer 104 is reasonably well-defined and based on existing standards, such as HTML. The communication between presentation layer 104 and business layer 106, in direct contradistinction, is poorly defined. In the current art, presentation layer 104 must have at least some knowledge of the structure of business layer 106 so that it knows what data and functions are available to it. Likewise, business layer 106 generally has some

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knowledge of how presentation layer 104 wants to receive data for further presentation to users.

This interlocking of presentation layer 104 and business layer 106 requires that, when one is changed, the other needs to be at least checked that there is no unwanted effect on the other. Thus, there is a need in the art to decouple the presentation layer from the business layer, so that communications operate smoothly and a change in one layer does not affect the other layer.

Specification of present application at p. 2, lns. 13-22.

In contrast to the hard-interlocked system described by Barry, amended claim 1 of the present application recites, *inter alia*, defining a "data set structure" for use in both the business layer and the presentation layer, said "data set structure comprising hierarchical organizational information for data and functions"; populating a business layer data set in said business layer according to said data set structure, said business layer data set comprising data and functions available for use in said business layer; and populating a presentation layer data set in said presentation layer according to said data set structure from said business layer data set, said presentation layer data set comprising data and functions available for use by the user in said presentation layer.

By way of the claimed invention, a data set structure is defined for use in both the business layer and the presentation layer, the data set structure includes hierarchical organizational information for data and functions business layer data is populated according to that information set in the business layer according to the data set structure. The claimed data set structure comprises hierarchical organizational information for data and functions.

Barry does not describe a data set structure that includes hierarchical organizational information for data and functions. In addition, Barry does not describe business layer data that is populated according to the information set in the business layer according to the data set structure.

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Accordingly, applicant submits that Barry does not describe, teach, or provide motivation for the invention recited by claim 1 of the present application, and withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e) based on Barry is requested.

Each of claims 2-10 ultimately depend from claim 1, that has been shown to be patentable, and is likewise deemed to be patentable, for at least the reasons described above with respect to the patentability of claim 1.

Amended claim 11, while different in scope from amended claim 1, recites an apparatus including features similar to those discussed above with respect to claim 1. For example, claim 11 recites an apparatus for use in a distributed data processing system comprising a data set for storing available data and identification of function calls, a presentation layer configured to store data and identification of function calls that are available for use by a user in accordance with said data set, and a business layer configured to store data and identification of function calls that are available for use by the presentation layer in accordance with the data set.

Accordingly, applicant submits that Barry does not describe, teach, or provide motivation for the invention recited by claim 11 of the present application, and withdrawal of the rejection of claim 11 under 35 U.S.C. 102(e) based on Barry is requested.

Each of claims 12-16 ultimately depend from claim 11, that has been shown to be patentable, and is likewise deemed to be patentable, for at least the reasons described above with respect to the patentability of claim 11.

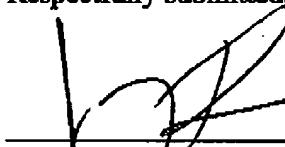
Thus, applicants submit that each of the claims of the present application are patentable over each of the references of record, either taken alone, or in any proposed hypothetical combination. Accordingly, withdrawal of the rejections to the claims is respectfully requested.

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Conclusion

In view of the above remarks, reconsideration and allowance of the present application is respectfully requested. If any additional fee is deemed necessary, then the Commissioner is authorized to charge such fee to Deposit Account No. 50-1358. Applicant's undersigned attorney may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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